

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PETER JASON HELFRICH,

Plaintiff,

v.

JAMES GREG COX et al.,

Defendant.

Case No. 2:15-cv-00384-JCM-PAL

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
PEGGY A. LEEN

Before the court is the report and recommendation of United States Magistrate Judge Peggy A. Leen (ECF No. 50) (“R&R” or “recommendation”) relating to defendants’ motion to enforce settlement (ECF No. 47). The parties had until November 26, 2016, to object to the R&R. No objection has been filed.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263
6 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).

8 Nevertheless, this court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Leen's R&R. The magistrate judge
10 recommended granting defendants' motion to enforce settlement reached. (ECF No. 50
11 at 7). Upon reviewing the R&R and underlying briefs, this court finds good cause to
12 adopt the magistrate judge's recommendation in full.

13 It is therefore ordered, adjudged and decreed that the report and recommendation
14 of Magistrate Judge Peggy A. Leen (ECF No. 50) is accepted and adopted in its entirety.

15 It is ordered that the motion to enforce settlement (ECF No. 47) is granted.

16 It is further ordered that defendants shall comply with the deadlines set forth in the
17 report and recommendation (ECF No. 50 at 7) including: (a) within 30 days of this order,
18 defendants shall comply with the terms of the settlement agreement and (b) defendants
19 shall file a certificate of compliance certifying to the court that they have complied with
20 the agreed terms of the agreement memorialized on the record.

21 It is ordered that plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is
22 denied as moot in light of the settlement.

23 It is ordered that after defendants file a certificate of compliance, the clerk of the
24 court is instructed to close this case.

25 DATED December 7, 2016.

26
27 
28 UNITED STATES DISTRICT JUDGE